

7/15/02

Sonnenschein

SONNENSCHEIN NATH & ROSENTHAL

Facsimile Transmittal Sheet

DATE: July 10, 2002

685 Market Street
6th Floor
San Francisco, CA 94105
415.882.5000
415.543.5472 fax
www.sonnenschein.com

PAGE 1/4
#71B/BN
7-15-02

Chicago
Kansas City
Los Angeles
New York
San Francisco
St. Louis
Washington, D.C.
West Palm Beach

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Examiner Brenda Murphy
FIRM: US Patent and Trademark Office
PHONE: 703.308.2664
FAX: 703.872.9667
CLIENT/MATTER: 70011940.0007

FROM: Jennifer H. Hammond

TOTAL NUMBER OF PAGES TRANSMITTED, INCLUDING THIS SHEET: 4

MESSAGE:

Attached are Substitute Paragraphs to supplement our Response to Office Action filed on June 6, 2002.

Original will NOT be mailed

CONFIDENTIALITY NOTE

The documents accompanying this facsimile transmission and the Facsimile Transmission Sheet contain information from the law firm of Sonnenschein Nath & Rosenthal which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this facsimiled information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

IF YOU DO NOT RECEIVE ALL OF THE PAGES ABOVE, PLEASE CALL 415.882.5000 AS SOON AS POSSIBLE.

SN&R FACSIMILE DEPARTMENT USE ONLY:

TRANSMISSION COMPLETED AT:

DOCUMENT TRANSMITTED BY:

Atty. Docket: 70011940.0007

PATENT
Serial No. 09/553,837Substitute Paragraphs

Sensors (not shown) on the label scanner 42 are used to detect the leading edge of the label 30. Based upon the position of the leading edge of the label 30, the system adjusts the speed of the label web 28 by controlling the step motor that drives the label dispensing mechanism 22.

Atty. Docket: 70011940.0007

PATENT
Serial No. 09/553,837Substitute Paragraphs (con't)

As discussed above and illustrated in Figures 2-6, the label transport and tamping mechanism 24 interfaces with the label dispensing mechanism 22 to receive the labels 30 from the label web 28. The label transport 24 receives the labels 30 from the edge surface 39 of the peel bar 40. The label transport and tamping mechanism 24 is driven by a step motor, controlled by a microprocessor and operates as the master of the labeler 20. The label transport and tamping mechanism 24 comprises several rotating vacuum belts around a roller 38. The belts are evenly spaced apart with tamper blades 48 positioned between the belts for removing the labels 30 from the belts. Within the label transport 24 is a vacuum belt for applying vacuum force through the belt. The vacuum belts include a plurality of holes through which a vacuum force is applied.

Atty. Docket: 70011940.0007

PATENT
Serial No. 09/553,837Substitute Paragraphs (con't)

For example, as previously discussed, this invention can be used in a variety of labeling applications by modifying the type of sensors 60 used in connection with the labeling machine 20. Likewise, in the present invention the sensors 60 are mounted to the labeler 20 or positioned one row preceding the rows being labeled. The sensors 60 may, however, be positioned more than one row ahead of the labeler 20, making the status byte string longer. Furthermore, the number of sensors 60 used in the present invention will correspond to the number of articles 10 per row. Depending on the intelligence and memory capacity of each machine 20, the maximum amount of sensors 60 that can be used may vary and will be dictated by each particular labeling machine 20. Finally, the present invention teaches that when no label 30 is dispensed, the label transport 24 first moves the distance of the label 30 and then moves to create a space between the labels 30 – a two-step process. The labeler 20 could alternatively be programmed such that if a label 30 is not dispensed, the labeler 20 will move the distance of the label 30 and the space between the label 30 in one movement, rather than maintaining a constant speed for the dispensing of the label 30 then accelerating to create the space between the labels 30.

B

Atty. Docket: 70011940.0007



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE.

In re Patent Application of)
Inventor: JAMES R. HARTE) Group Art: 1734
Serial No.: 09/553,837) Examiner: Cheryl Hawkins
Filed: April 21, 2000)
Title: EMPTY PACKAGE DETECTOR FOR)
LABELING APPARATUS)

Box Fee Amendment
Assistant Commissioner for Patents
Washington, D.C. 20231

AMENDMENT

Sir or Madam:

Responsive to the Official Action mailed December 6, 2001, setting a response period expiring on March 6, 2002, applicant respectfully requests a three-month extension of time until June 6, 2002, and encloses the requisite fee herewith. Applicant responds to the Official Action as follows:

IN THE SPECIFICATION

At page 7, line 10, after "Sensors" please delete "(now" and insert --(not--.

At page 8, line 1, before "evenly" please delete "being" and insert --are--.

At page 13, line 10, before "articles" please delete "the" and insert --of--.

06/13/2002 AOSMAN1 00000039 09553837

01 FC:217

460.00 0P

Serial No. 09/553,837

- 1 -

TECHNOLOGY CENTER 1700
JUN 13 2002